

TRANSWORLD TELEPHONE, LLC
SECTION 64.2009(E) CERTIFICATION OF CPNI FILING
JANUARY 27, 2010

I, Sara Andrews, a duly authorized manager¹ of Trans World ("TWT") hereby certify that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the rules of the Federal Communications Commission, codified at 47 C.F.R. Subpart U, implementing Section 222 of the Communications Act of 1934, as amended.



Sara Andrews
Manager
Transworld Telephone, LLC
January 27, 2010

¹ A manager for an LLC is equivalent to an officer of a corporation.

**STATEMENT REGARDING OPERATING PROCEDURES
IMPLEMENTING 47 C.F.R. SUBPART U
GOVERNING USE OF
CUSTOMER PROPRIETARY NETWORK INFORMATION (CPNI)
EFFECTIVE JANUARY 27, 2010**

The following statement explains how the operating procedures of Trans World Telephone, LLC ("TWT") ensure that it is in compliance with the Commission's CPNI rules, as codified at 47 C.F.R. Subpart U. TWT presently offers on a resale basis non-presubscribed interexchange service accessible through any telephone using a toll-free number. TWT does not market any services on inbound calls to customer service representatives and does not market services to current customers through outbound calls, except to win back customers to the same interexchange service.

I. Use of customer proprietary network information without customer approval.

A. TWT may use, disclose, or permit access to CPNI for the purpose of providing or marketing service offerings among the categories of service to which the customer already subscribes from TWT, without customer approval.

B. TWT may not use, disclose, or permit access to CPNI to market to a customer those service offerings that are within a category of service to which the subscriber does not already subscribe from TWT, unless TWT has customer approval to do so, except as described in Section I.C. TWT, in fact, does not market customer service offerings other than its non-presubscribed interexchange services. TWT has not engaged in, and has no current plans to engage in, any marketing or cross marketing that would require customer approval under § 64.2005. Accordingly, TWT has not developed any procedures at this time to ensure that such a marketing program would comply with Part 64, Subpart U. When, if ever, TWT decides to engage in marketing or cross marketing not allowed by § 64.2005, TWT will first develop and implement an appropriate compliance policy.

(1) TWT may not use, disclose or permit access to CPNI to identify or track customers that call competing service providers. For example, TWT does not use CPNI to track customers that call competitors.

C. TWT may use, disclose, or permit access to CPNI, without customer approval, to market services formerly known as adjunct-to-basic services, such as, but not limited to, speed dialing, computer-provided directory assistance, call monitoring, call tracing, call blocking, call return, repeat dialing, call tracking, call waiting, caller I.D., and call forwarding; but TWT's policy is not to do so. TWT has not engaged in, and has no current plans to engage in, any

marketing or cross marketing that would require customer approval under § 64.2005. Accordingly, TWT has not developed any procedures at this time to ensure that such a marketing program would comply with Part 64, Subpart U. When, if ever, TWT decides to engage in marketing or cross marketing not allowed by § 64.2005, TWT will first develop and implement an appropriate compliance policy.

D. TWT may use, disclose, or permit access to CPNI to protect the TWT's rights or property, or to protect its users and other carriers from fraudulent, abusive, or unlawful use of TWT's services.

II. When approval is required for use of customer proprietary network information.

A. TWT may obtain customer approval for use of CPNI through written, oral or electronic methods. TWT, in fact, engages in no inbound or outbound telemarketing using CPNI. TWT has not engaged in, and has no current plans to engage in, any marketing or cross marketing that would require customer approval under § 64.2005. Accordingly, TWT has not developed any procedures at this time to ensure that such a marketing program would comply with Part 64, Subpart U. When, if ever, TWT decides to engage in marketing or cross marketing not allowed by § 64.2005, TWT will first develop and implement an appropriate compliance policy. The following is provided to describe what TWT might do if it did use CPNI in this manner:

(1) Where TWT obtains oral approval, it bears the burden of demonstrating that such approval has been given in compliance with the FCC's rules.

(2) A customer's approval or disapproval obtained by TWT to use, disclose, or permit access to the customer's CPNI the use of CPNI outside of the customer's total service relationship with TWT must remain in effect until the customer revokes or limits such approval or disapproval.

(3) TWT must maintain records of notification and approval, whether oral, written or electronic, for at least one year.

B. Use of Opt-Out and Opt-In Approval Processes.

(1) TWT may, subject to opt-out approval or opt-in approval, use its customer's individually identifiable CPNI for the purpose of marketing communications-related services to that customer. TWT has not engaged in, and has no current plans to engage in, any marketing or cross marketing that would

require customer approval under § 64.2005. Accordingly, TWT has not developed any procedures at this time to ensure that such a marketing program would comply with Part 64, Subpart U. When, if ever, TWT decides to engage in marketing or cross marketing not allowed by § 64.2005, TWT will first develop and implement an appropriate compliance policy. The following is provided to describe what TWT might do if it did use CPNI in this manner: TWT may, subject to opt-out approval or opt-in approval, disclose its customer's individually identifiable CPNI, for the purpose of marketing communications-related services to that customer, to its agents; its affiliates that provide communications-related services; and its joint venture partners and independent contractors. TWT may also permit such persons or entities to obtain access to such CPNI for such purposes. Any such disclosure to or access provided to joint venture partners and independent contractors shall be subject to the safeguards set forth in Section II.B(2).

(2) Joint Venture/Contractor Safeguards. If TWT discloses or provides access to CPNI to its joint venture partners or independent contractors, it shall enter into confidentiality agreements with independent contractors or joint venture partners that comply with the following requirements. The confidentiality agreement shall:

- (i) Require that the independent contractor or joint venture partner use the CPNI only for the purpose of marketing or providing the communications-related services for which that CPNI has been provided;
- (ii) Disallow the independent contractor or joint venture partner from using, allowing access to, or disclosing the CPNI to any other party, unless required to make such disclosure under force of law; and
- (iii) Require that the independent contractor or joint venture partner have appropriate protections in place to ensure the ongoing confidentiality of consumers' CPNI.

(3) Except for use and disclosure of CPNI that is permitted without customer approval under Section I, or that is described Section II.B(1), or as otherwise provided in section 222 of the Communications Act of 1934, as amended, TWT may only use, disclose, or permit access to its customer's individually identifiable CPNI subject to opt-in approval.

IV. Notice required for use of customer proprietary network information.

A. Notification, Generally.

TWT has not engaged in, and has no current plans to engage in, any marketing or cross marketing that would require customer approval under § 64.2005.

Accordingly, TWT has not developed any procedures at this time to ensure that such a marketing program would comply with Part 64, Subpart U. When, if ever, TWT decides to engage in marketing or cross marketing not allowed by § 64.2005, TWT will first develop and implement an appropriate compliance policy. The following is provided to describe what TWT might do if it did use CPNI in this manner:

(1) Prior to any solicitation for customer approval to use of CPNI, TWT must provide notification to the customer of the customer's right to restrict use of, disclosure of, and access to that customer's CPNI.

(2) TWT must maintain records of notification, whether oral, written or electronic, for at least one year.

B. Individual notice to customers must be provided when soliciting approval to use, disclose, or permit access to customers' CPNI.

C. Content of Notice.

Customer notification must provide sufficient information to enable the customer to make an informed decision as to whether to permit TWT to use, disclose, or permit access to, the customer's CPNI.

(1) The notification must state that the customer has a right, and TWT has a duty, under federal law, to protect the confidentiality of CPNI.

(2) The notification must specify the types of information that constitute CPNI and the specific entities that will receive the CPNI, describe the purposes for which CPNI will be used, and inform the customer of his or her right to disapprove those uses, and deny or withdraw access to CPNI at any time.

(3) The notification must advise the customer of the precise steps the customer must take in order to grant or deny access to CPNI, and must clearly state that a denial of approval will not affect the provision of any services to which the customer subscribes. However, TWT may provide a brief statement, in clear and neutral language, describing consequences directly resulting from the lack of access to CPNI.

(4) The notification must be comprehensible and must not be misleading.

(5) If written notification is provided, the notice must be clearly legible, use sufficiently large type, and be placed in an area so as to be readily apparent to a customer.

(6) If any portion of a notification is translated into another language, then all portions of the notification must be translated into that language.

(7) TWT may state in the notification that the customer's approval to use CPNI may enhance TWT's ability to offer products and services tailored to the customer's needs. TWT also may state in the notification that it may be

compelled to disclose CPNI to any person upon affirmative written request by the customer.

(8) TWT may not include in the notification any statement attempting to encourage a customer to freeze third-party access to CPNI.

(9) The notification must state that any approval, or denial of approval for the use of CPNI outside of the service to which the customer already subscribes from TWT is valid until the customer affirmatively revokes or limits such approval or denial.

(10) TWT's solicitation for approval must be proximate to the notification of a customer's CPNI rights.

In fact, TWT's policy is not to engage in disclosure of CPNI.

D. Notice Requirements Specific to Opt-Out.

TWT has not engaged in, and has no current plans to engage in, any marketing or cross marketing that would require customer approval under § 64.2005. Accordingly, TWT has not developed any procedures at this time to ensure that such a marketing program would comply with Part 64, Subpart U. When, if ever, TWT decides to engage in marketing or cross marketing not allowed by § 64.2005, TWT will first develop and implement an appropriate compliance policy. The following is provided to describe what TWT might do if it did use CPNI in this manner:

TWT must provide notification to obtain opt-out approval through electronic or written methods, but not by oral communication (except as provided in paragraph F of this section). The contents of any such notification must comply with the requirements of paragraph C of this section.

(1) TWT must wait a 30-day minimum period of time after giving customers notice and an opportunity to opt-out before assuming customer approval to use, disclose, or permit access to CPNI. TWT may, in its discretion, provide for a longer period. TWT must notify customers as to the applicable waiting period for a response before approval is assumed.

(i) In the case of an electronic form of notification, the waiting period shall begin to run from the date on which the notification was sent; and

(ii) In the case of notification by mail, the waiting period shall begin to run on the third day following the date that the notification was mailed.

(2) Insofar as TWT is using the opt-out mechanism, it must provide notices to its customers every two years.

(3) If TWT uses e-mail to provide opt-out notices, it must comply with the following requirements in addition to the requirements generally applicable to notification:

(i) TWT must obtain express, verifiable, prior approval from consumers to send notices via e-mail regarding its service in general, or CPNI in particular;

- (ii) TWT must allow customers to reply directly to e-mails containing CPNI notices in order to opt-out;
- (iii) Opt-out e-mail notices that are returned to TWT as undeliverable must be sent to the customer in another form before TWT may consider the customer to have received notice;
- (iv) TWT must ensure that the subject line of the message clearly and accurately identifies the subject matter of the e-mail; and
- (v) TWT must make available to every customer a method to opt-out that is of no additional cost to the customer and that is available 24 hours a day, seven days a week. TWT may satisfy this requirement through a combination of methods, so long as all customers have the ability to opt-out at no cost and are able to effectuate that choice whenever they choose.

In fact, it is TWT's policy not to use CPNI in a manner that would require customer notification or approval.

E. Notice Requirements Specific to Opt-In.

TWT has not engaged in, and has no current plans to engage in, any marketing or cross marketing that would require customer approval under § 64.2005. Accordingly, TWT has not developed any procedures at this time to ensure that such a marketing program would comply with Part 64, Subpart U. When, if ever, TWT decides to engage in marketing or cross marketing not allowed by § 64.2005, TWT will first develop and implement an appropriate compliance policy. The following is provided to describe what TWT might do if it did use CPNI in this manner:

TWT may provide notification to obtain opt-in approval through oral, written, or electronic methods. The contents of any such notification must comply with the requirements of paragraph C of this section.

F. Notice Requirements Specific to One-Time Use of CPNI.

TWT has not engaged in, and has no current plans to engage in, any marketing or cross marketing that would require customer approval under § 64.2005. Accordingly, TWT has not developed any procedures at this time to ensure that such a marketing program would comply with Part 64, Subpart U. When, if ever, TWT decides to engage in marketing or cross marketing not allowed by § 64.2005, TWT will first develop and implement an appropriate compliance policy. The following is provided to describe what TWT might do if it did use CPNI in this manner:

- (1) TWT may use oral notice to obtain limited, one-time use of CPNI for inbound and outbound customer telephone contacts for the duration of the call, regardless of whether TWT uses opt-out or opt-in approval based on the nature of the contact.

(2) The contents of any such notification must comply with the requirements of paragraph C of this section, except that TWT may omit any of the following notice provisions if not relevant to the limited use for which TWT seeks CPNI:

(i) TWT need not advise customers that if they have opted-out previously, no action is needed to maintain the opt-out election;

(ii) TWT need not advise customers that they may share CPNI with their affiliates or third parties and need not name those entities, if the limited CPNI usage will not result in use by, or disclosure to, an affiliate or third party;

(iii) TWT need not disclose the means by which a customer can deny or withdraw future access to CPNI, so long as TWT explains to customers that the scope of the approval TWT seeks is limited to one-time use; and

(iv) TWT may omit disclosure of the precise steps a customer must take in order to grant or deny access to CPNI, as long as TWT clearly communicates that the customer can deny access to his CPNI for the call.

V. Safeguards required for use of customer proprietary network information.

A. Because TWT does not employ or disclose CPNI for any purpose except win back calls for its same interexchange service, it has satisfied the requirement for a system whereby the status of a customer's CPNI approval can be clearly established prior to the use of CPNI.

B. TWT has trained its personnel as to when they are and are not authorized to use CPNI and has an express disciplinary process in place.

C. TWT maintains a record, electronically or in some other manner, of its own and its affiliates' sales and marketing campaigns that use its customers' CPNI. TWT maintains a record of all instances where CPNI was disclosed or provided to third parties, or where third parties were allowed access to CPNI. The record must include a description of each campaign, the specific CPNI that was used in the campaign, and what products and services were offered as a part of the campaign. TWT shall retain the record for a minimum of one year. In fact, TWT's policy is not to disclose CPNI to third parties.

D. TWT will establish a supervisory review process regarding its compliance with the FCC's CPNI rules for outbound marketing situations and maintain records of its compliance for a minimum period of one year. Specifically, sales personnel must obtain supervisory approval of any proposed outbound marketing request for customer approval.

TWT's policy is to limit outbound marketing to win back customers for the same interexchange service offering.

E. TWT will have an officer, as an agent of TWT; sign a compliance certificate on an annual basis stating that the officer has personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the rules in this subpart. TWT will provide a statement accompanying the certificate explaining how its operating procedures ensure that it is or is not in compliance with the rules in this subpart.

F. TWT must provide written notice within five business days to the FCC of any instance where the opt-out mechanisms do not work properly, to such a degree that consumers' inability to opt-out is more than an anomaly.

(1) The notice shall be in the form of a letter, and shall include TWT's name, a description of the opt-out mechanism(s) used, the problem(s) experienced, the remedy proposed and when it will be/was implemented, whether the relevant state commission(s) has been notified and whether it has taken any action, a copy of the notice provided to customers, and contact information.

(2) Such notice must be submitted even if TWT offers other methods by which consumers may opt-out.

| In fact, TWT does not utilize CPNI in a way that requires opt-out mechanisms. Specifically, TWT has not engaged in, and has no current plans to engage in, any marketing or cross marketing that would require customer approval under § 64.2005. Accordingly, TWT has not developed any procedures at this time to ensure that such a marketing program would comply with Part 64, Subpart U. When, if ever, TWT decides to engage in marketing or cross marketing not allowed by § 64.2005, TWT will first develop and implement an appropriate compliance policy.